

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3489

IN THE MATTER OF:

Served April 17, 1990

Application of CUSTOM TOURS OF)
WASHINGTON, INC., for a Certificate)
of Public Convenience and Necessity)
-- Special Operations)

Case No. AP-90-01

By Order No. 3452, served January 17, 1990, the above-captioned matter was scheduled for public hearing to commence February 22, 1990. In response to a motion by Custom Tours of Washington, Inc. (CTW or applicant), that hearing was continued to March 8, 1990. CTW sought the continuance because ". . . crucial witnesses will be unavailable on the date the hearing is scheduled [February 22, 1990]." In its motion CTW specifically requested a hearing on March 8, 1990. By Order No. 3461, served February 20, 1990, the above-captioned matter was rescheduled for hearing to commence March 8, 1990.

On March 8, 1990, the hearing was called at 9:30 a.m., the originally-scheduled time, and again at 10:02 a.m. Protestant Bill Appell trading as Personal Pace Tours/TechTours Washington and Commission Counsel appeared. No appearance was entered on applicant's behalf, */ and Mr. Appell moved that the application be dismissed.

More than one month has passed since the date of the continued hearing, and no filing or other communication in this matter has been received from applicant. Accordingly, the application will be denied, without prejudice, for want of prosecution.

THEREFORE, IT IS ORDERED:

1. That the application of Custom Tours of Washington, Inc., in Case No. AP-90-01 is hereby denied in its entirety.

*/ Minutes before the start of the March 8 hearing, CTW's attorney informed Commission Counsel by telephone that applicant would not appear at hearing due to the continued unavailability of a key witness. The attorney indicated that some type of written communication, possibly a motion requesting a continuance of the hearing, would be filed with the Commission. Commission Counsel informed the Administrative Law Judge of this communication.

2. That Custom Tours of Washington, Inc., is hereby assessed the hearing officer's fee as provided in General Order No. 21, served October 3, 1983, in addition to the cost of the transcript, such assessments to be retained from the assessment paid by Custom Tours of Washington, Inc., pursuant to Order No. 3452.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director 